IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 19828 of 1995

Between:

The Depot Manager, APSRTC.,
Ongole, Prakasam.

..... PETITIONER

AND

1 The Govt. of A.P. Rep. Secretary.
Labour Dept., Secretariat, Hyderabad.
2 The Presiding Officer, Labour Court,
Guntur.
3 Shoukat Ali Rep. Divisional Secretary.
APSRTC., Employees Union, Ongole, Prakasam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other appropriate writ or direction calling for the records relating to the award passed by 2nd respondent in I.D.No. 174/90 dated 24/02/1995 and the notification published in G.O.Rt.No. 809 Labour Employment Training (Lab.I) Dept., dated 25/03/1995 and set-aside the same as illegal and arbitrary and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: SMT.P.RAJANI

Counsel for Respondents No.1 & 2: G.P. for Labour

Counsel for the Respondent No.3: MR.M.RAVINDRANATH REDDY

The Court made the following:

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ORDER:

This writ petition is filed challenging the award passed by the Labour Court, Guntur, in I.D.No.174 of 1990, dated 24.02.1995. The Government made the following reference to the Labour Court for adjudication:

> "Whether the A.P.S.R.T.C Ongole is justified in withholding the two annual increments with cumulative effect of Shoukat Ali?
>
> If not to what relief?"

2. The learned Tribunal, after considering the matter held that the order of punishment was not sustainable and therefore, set aside the same by an award, dated 24.02.1995. The said award is assailed in this writ petition.

3. The learned standing counsel for the petitioner-Corporation submits that the award suffers from error apparent on the face of the record. It is further submitted that it is always open for the authorities to impose punishment with cumulative effect without conducting enquiry. Therefore, the order of punishment is quite legal and the same cannot be interfered.

4. I am afraid I cannot accept the contention. The learned Tribunal categorically found that the order of punishment was not preceded by a regular enquiry, and therefore, held the same as invalid. Thus, I do not find any ground to interfere with the order passed by the Tribunal.

5. The writ petition is accordingly dismissed. No costs.

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G.BIKSHAPATHY, J

Dated 07th October, 2004.

YCR/KVRM

To

1 The Secretary, Govt. of A.P., Labour Dept.,

Secretariat, Hyderabad.

2 The Presiding Officer, Labour Court, Guntur.

3 Shoukat Ali, Divisional Secretary, APSRTC., Employees Union,

Ongole, Prakasam.

4. 2 C.D. copies.

5. G.P for Labour, High Court Buildings, Hyderabad (OUT)